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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA
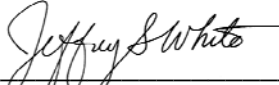
7   RAMIRO MUNOZ GARZA,   )   No. C 08-4086 JSW (PR)
)
8   Petitioner,   )
)   **TRANSFER ORDER**
9   vs.   )
)
10 WARDEN OF RICHARD J. DONOVAN   )
    CORRECTIONAL FACILITY,   )
11   )
             Respondent.   )
12 _____

13   Petitioner, a prisoner incarcerated at Richard Donovan Correctional Facility in

14 San Diego, California, has filed a petition for a writ of habeas corpus seeking review of

15 his criminal conviction from Fresno County, which lies within the venue of the Eastern

16 District of California. *See* 28 USC § 84(c). Venue is proper in a habeas action in either

17 the district of conviction or the district of confinement, *see id* § 2241(d). However,

18 federal courts in California traditionally have chosen to hear petitions challenging a

19 conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F.

20 Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal.

21 1968).

22   Therefore, the Court ORDERS, pursuant to 28 USC § 1404(a) and Habeas LR

23 2254-3(b), and in the interest of justice, that the Clerk of the Court TRANSFER this

24 matter to the United States District Court for the Eastern District of California.

25   IT IS SO ORDERED.

26 DATED: September 3, 2008   _____
                                   JEFFREY S. WHITE
27   United States District Judge

28

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

RAMIRO MUNOZ GARZA,

          Plaintiff,

  v.

WARDEN OF RICHARD J. DONOVAN et al,
CORRECTIONAL FACILITY

          Defendant.

                               /

Case Number: CV08-04086 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 3, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ramiro Garza
F04325
P.O. Box 799003
San Diego, CA 92179-9003

Dated: September 3, 2008

Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk